IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

CRP.No. 884 of 2003(G)

(*AGAINST THE ORDER IN EP .612/01 IN LAR.764/1988 of I ADDL.SUB COURT,ERNAKULAM)*

REVN. PETITIONERS/JUDGMENT DEBTORS IN THE E.P./ RESPONDENTS

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1. STATE OF KERALA, REPRESENTED BY THE
   DISTRICT COLLECTOR, ERNAKULAM.

2. KOCHIN EXPORT PROCESSING ZONE,
   KAKKANAD, REP. BY ITS DEVELOPMENT COMMISSIONER.

   BY GOVERNMENT PLEADER SHRI K.G. BHASKARAN.

RESPONDENT/ DECREE HOLDER IN THE E.P. /CLAIMANT

P.GEORGE, S/O.KURIEN,
PARAPIL, KAKKANAD, ERNAKULAM.

BY

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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C.R.P. No. 884 OF 2003

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Dated this the 20th August, 2007

O R D E R

Judgment debtors are revision petitioners. The respondent filed execution petition for realization of the amount due to him on account of acquisition of his lands. According to the respondent-decree holder, he was entitled to get a sum of Rs.3,26,707/-.

2. Learned Government Pleader submits that when there was an attempt to attach the collectorate, the amount claimed by the decree holder was deposited. Later the revision petitioners filed a detailed statement showing the amount due to the respondent. However, the court below dismissed the execution petition as not pressed. Thus the objections raised by the petitioners herein were not considered. The executing court did not adjudicate upon the question as to what amount was payable to the decree holder .

3. Inspite of notice, the respondent did not appear in this Civil Revision Petition. After having heard the learned Government Pleader, I am of the view that the court below should have considered the objections raised by the revision petitioners . The mere fact that the amount claimed by the decree holder was deposited does not mean that the judgment debtors are not entitled

to dispute the amount claimed in the execution petition. The amount was deposited when attachment of the collectorate was attempted.

4. In the facts and circumstances of the case, the court below is directed to consider the objections raised by the revision petitioners and finally decide the amount which was due to the decree holder. In case the court below finds that excess amount has been deposited, appropriate orders directing the decree holder to refund the amount shall be passed. All contentions of the parties relating to E.P. 612 of 2001 are left open to be decided in that execution petition.

The Civil Revision Petition is allowed as above.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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C.R.P. No. 884 OF 2003

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Dated this the 20th August, 2007

O R D E R